8 UNITED STATES DISTRICT COURT			
9 EASTERN DISTRICT OF CALIFORNIA			
ICDOWELL,		ase No. 1:24-cv-0	0500 JLT SAB (PC)
Plaintiff,		ORDER ADOPTING FINDINGS AND RECOMMENDATIONS AND DISMISSING THE RETALIATION CLAIM	
H, et al.,	(1	Ooc. 17)	
Defendants.			
Giovanni McDowell, a state prisoner, asserts the defendants are liable for violations of his			
8 civil rights while he was incarcerated at Sierra Conservation Center. (See generally Doc. 13.)			
9 The magistrate judge screened Plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A(a),			
and found Plaintiff stated a cognizable claim for deliberate indifference to his safety against			
Defendants Smith, Storey, Davis, and Cobian. (Doc. 17 at 3-4.) However, the magistrate judge			
found Plaintiff did not state a cognizable claim for retaliation. (<i>Id.</i> at 4-5.) The magistrate judge			
determined further leave to amend would be futile, because the Court previously provided			
Plaintiff with the applicable legal standards, and he failed to cure the deficiencies related to his			
retaliation claim. (<i>Id.</i> at 5.) Therefore, the magistrate judge recommended the action proceed			
only on the deliberate indifference to safety claim and the retaliation claim be dismissed. (<i>Id.</i>)			
The Court served the Findings and Recommendations on Plaintiff and notified him that			
any objections were due within 14 days. (Doc. 17 at 6.) The Court advised Plaintiff the "failure			
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	EASTE ICDOWELL, Plaintiff, H, et al., Defendants. In McDowell, a state the was incarcerate judge screened Plaintiff stated a cognization, Storey, Davis, and anot state a cognitation of the leave to amend the applicable legal sent. (Id. at 5.) Therefore the berate indifference art served the Finding	EASTERN DISTRICT ACDOWELL, Plaintiff, OR The Heal, Defendants. In McDowell, a state prisoner, assert the he was incarcerated at Sierra Considudge screened Plaintiff's amended tiff stated a cognizable claim for defith, Storey, Davis, and Cobian. (Downlind not state a cognizable claim for the leave to amend would be futile, the applicable legal standards, and heal. (Id. at 5.) Therefore, the magistrate indifference to safety claim a part served the Findings and Recomment	EASTERN DISTRICT OF CALIFORNI ACDOWELL, Plaintiff, ORDER ADOPTIN RECOMMENDAT THE RETALIATION H, et al., Defendants. In McDowell, a state prisoner, asserts the defendants are the was incarcerated at Sierra Conservation Center. In Judge screened Plaintiff's amended complaint pursuant tiff stated a cognizable claim for deliberate indifference in the Storey, Davis, and Cobian. (Doc. 17 at 3-4.) How did not state a cognizable claim for retaliation. (Id. at the leave to amend would be futile, because the Court the applicable legal standards, and he failed to cure the count in the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference to safety claim and the retaliation of the state indifference in the state in the state indifference in the state indifference in the state indifference in the state indifference in the state in the s

Case 1:24-cv-00500-JLT-SAB Document 18 Filed 09/04/24 Page 2 of 2 to file objections within the specified time may result in the waiver rights on appeal." (Id., quoting Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and the time to do so has passed. According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**: 1. The Findings and Recommendations issued on August 7, 2024 (Doc. 17) are **ADOPTED** in full. 2. Plaintiff's retaliation claim is **DISMISSED**. 3. This action **SHALL** proceed only as to Plaintiff's claim for deliberate indifference to safety against Defendants Smith, Storey, Davis, and Cobian. 4. This action is referred to the magistrate judge for further proceedings. IT IS SO ORDERED. Dated: **September 4, 2024**